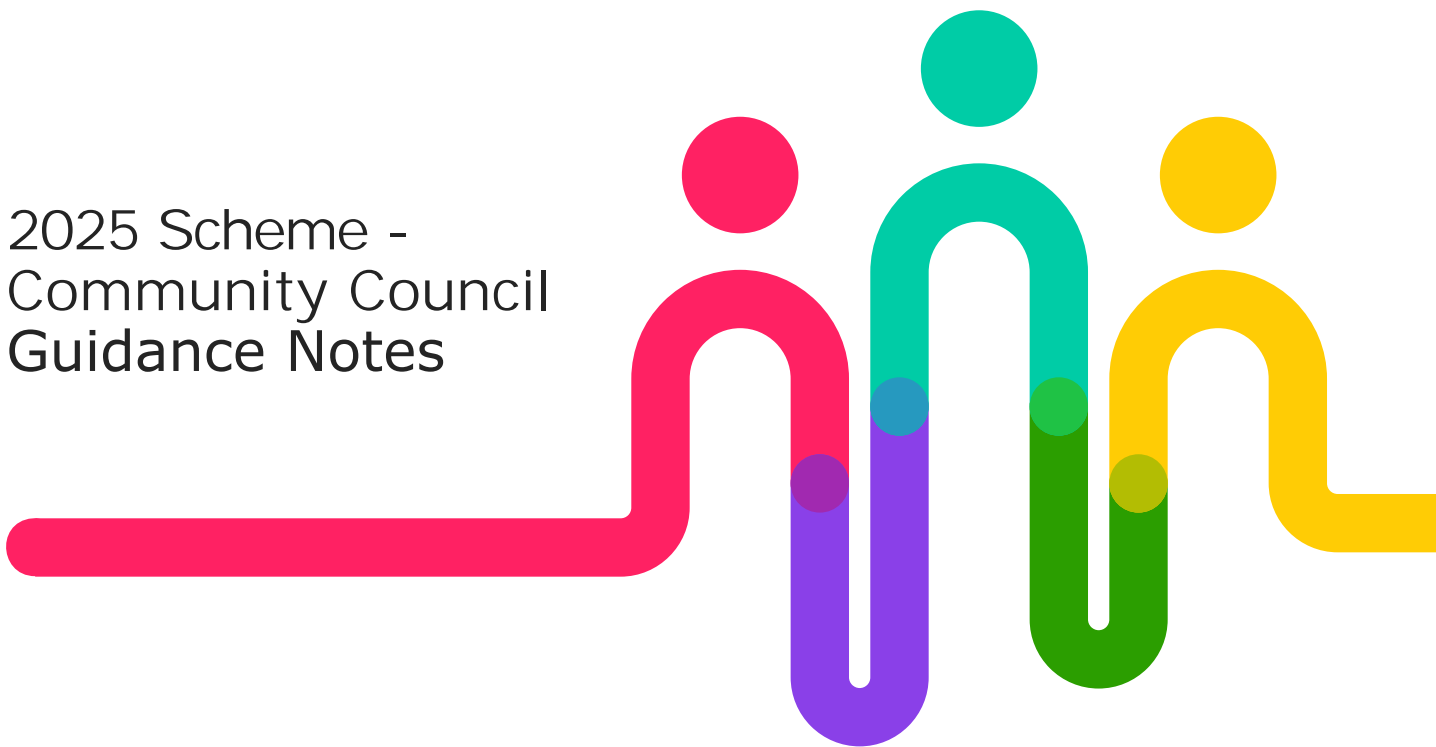


# Help shape your community

2025 Scheme -  
Community Council  
Guidance Notes



## COMMUNITY COUNCIL GUIDANCE NOTES

1.	Role of Community Councillors	Page 2
2.	Role of Office Bearers	
	• Chair	Page 3
	• Vice Chair	Page 3
	• Treasurer	Page 3-4
	• Secretary	Page 4
	• Planning Secretary	Page 4
	• Formal Role and Enabling Role	Page 5-6
	• Model Audited Accounts	Page 7-8
3.	Filling of Vacancies	Page 9
4.	Appointment of Additional Members	Page 10
5.	Role of Elected Councillors Attending Meetings of Community Councils	Page 11
6.	Data Protection	Page 12-15
7.	Governance Structure	Page 16-17
8.	Key Policy Developments and Useful Resources	Page 18-19
9.	Control of Finance	Page 21
10.	Community councils and Planning	Page 22-32
11.	Understanding and Achieving Community Engagement	Page 33
12.	Consulting with your Local Area	Page 34-35
13.	Campaigning on the Issues	Page 36
14.	Representing your Community	Page 37-38
15.	Improving and Encouraging Youth Membership	Page 39-40
16.	Training and Development of Community Councillors	Page 41
17.	Joint Forum of Community Councils in West Lothian	Page 42
18.	Equality and Diversity	Page 43-45
19.	Community Council Election Forms	Page 46-51

## **SECTION 1 - ROLE OF COMMUNITY COUNCILLORS**

The role of the community councillor is to represent the views of the community. This means not offering personal views and opinions on local issues or taking decisions that are based on self-interest. The role involves discussing issues with people in the community to clarify their views and assess the strength of their feelings on different topics. When representing members of the community on a particular interest, a community councillor must check out the facts of the situation before taking matters to the community council. There are two sides to every story, so make sure that both sides are put forward. There is little point in taking up time at meetings to discuss problems that are based simply on misunderstandings or misrepresentations of the facts.

At some point it may be that you will find some conflict between your own personal views and interests and those of the community that you are representing. If such a situation does arise, try to make sure that the views of the community take precedence. Experience shows that if the views of individuals on the community council are allowed to take priority then the community will very quickly lose confidence in the community council and its work may subsequently be devalued.

In some instances, it may be necessary and appropriate to declare an interest in the matter under discussion and to withdraw from that debate and decision-making.

The task of any community council is to identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point this might involve setting priorities on the competing or conflicting needs of different sections of the community.

Competition and conflict are normal in any community, so you shouldn't think of them as something that can be altogether avoided. What is important is that you approach competition or conflict in a fair and reasonable manner. This means taking a balanced view of your community's needs and aspirations and giving a fair hearing to representatives from different interest groups in your community. In particular, you should try to avoid being influenced by prejudice or bias, whether in the sphere of race, religion, gender or any other of the "labels" which get attached to people and to local issues.

## **SECTION 2 - ROLE OF OFFICE BEARERS**

Each community council must have a Chair, a Treasurer and a Secretary – the office bearers – and these roles carry the most responsibility. The office bearers, as elected members representing their local communities, are responsible for the efficient and effective operation of the community council working within the local authority's Scheme of Establishment for Community Councils. All members of the community council are equally responsible for the community council's decisions and actions and may take on additional activities in support of the community council. The office bearers' roles are described below:

### **1. The Chair**

The Chair is elected in accordance with the rules set out in the community council's own Constitution and Standing Orders. The Chair is responsible for ensuring that discussions are productive whilst adhering to the agenda, that meeting runs to time and that clear action points are set.

In regular meetings the role of the Chair is a formal one, all speakers will be expected to address their comments to the Chair. This helps the Chair to keep control of the discussion. In committee meetings, where proceedings need not be so formal, the Chair may be content simply to steer the general direction of the discussion – this may be described as an enabling role. The extent to which a Chair adopts one or the other of these will be dependent upon the circumstances at a particular time or occasion. You can see some of the characteristics of the two approaches on the following pages.

Perhaps most importantly of all, the Chair is expected to know the rules by which the community council functions and ensure that at all stages of its work the community council is operating in accordance with any procedures that are set down. In this context the Chair may be called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted.

It is important to recognise that the Chair's role extends outwith the meeting itself. The Chair may be called upon to act on behalf of the community council between meetings, or to represent the community council in dealing with outside bodies. This role may also be delegated by the community council to other office bearers or members.

### **2. The Vice Chair**

The role of the Vice Chair is to stand in for the Chair when unable to attend a meeting and often the Vice Chair is the next "Chair in waiting".

### **3. The Treasurer**

The Treasurer is responsible for maintaining the community council's financial records, making payments on behalf of the community council and any charities and/or other funds dispersed by the council. This includes managing the bank account, ensuring money is only spent in a manner approved by the community council members as recorded in the minutes.

The Treasurer ensures that any financial transactions are signed off by two persons authorised by the community council members as recorded in the minutes. It is good practice to have more than two authorised signatories, in the event of someone being unavailable at short notice. The Treasurer must keep proper accounts of all receipts and expenditure and prepare an Annual Statement of Accounts. Community councils should use an independent, external examiner to approve the accounts. Where accounts are not audited by a professional accountant, they must be audited by two people who has some relevant knowledge and experience of finance and have no connection to the community council or its members.

Another key role for the Treasurer is reporting and answering any questions raised by members of the community council or the public on the Statement, which must be formally approved at the next AGM. When the Statement is certified and approved, it should be sent to the local authority as part of the process of applying for the annual grant. The standard form of words for the Treasurer's certificate is:

"I certify that the above accounts have been prepared by me and accurately reflect the financial provisions relating to the period ....."

An example statement of accounts can be found overleaf.

#### **4. The Secretary**

The Secretary ensures the smooth running of the Community Council by organising online or in person meetings, booking venues, setting the agenda and keeping minutes and records. The secretary also ensures effective communication between the community council and members of the public, the media and local authority officers.

#### **5. The Planning Secretary**

A weekly list of planning applications is provided by West Lothian Council. The Planning Secretary should assess whether any of the planning applications listed for its area raises issues of local interest. They should also check planning applications in adjacent wards in case they have an impact on their area. It is unlikely that householder applications will raise issues of genuine community interest.

Planning Secretaries must not submit comments or objections on any application without the prior approval of the community council or any committees set up to deal with planning applications on behalf of the community council.

Further details on planning can be found in a separate section.

## SECTION 2(A) - CHAIR – FORMAL AND ENABLING ROLES

During meetings, the Chair can be described as having two main roles - formal and also enabling. The following table details the various elements of these two roles:

THE FORMAL CHAIR	THE ENABLING CHAIR
<b><i>General role and responsibilities</i></b>	
Ensure fair play	Have an overview of the task/ goals of the meeting
Stay in charge	Help to clarify goals
Remain neutral	Help the group to take responsibility for what it wants to accomplish and to carry out its tasks
Have little emotional investment	
<b><i>Agenda and timekeeping</i></b>	
Open the meeting	Run through the agenda at the beginning and get the meeting's approval for it
Introduce all agenda items	Arrange in advance for someone to introduce each agenda item
Be familiar with all agenda items	Update latecomers
Get through the agenda in allotted time	Keep track of the time
Evaluate how the meeting went	
<b><i>Discussion</i></b>	
Select speakers	Encourage and help all to participate and ensure different opinions are represented
Summarise discussion	Encourage expression of various views
End discussion	Encourage people to keep to the subject
Ensure that people keep to the subject	Clarify and summarise discussion
Make it safe to share feelings	
Suggest ways of handling conflict	
<b><i>Decision making and voting</i></b>	
Ensure decisions are taken and agreed	Suggest structures for decision making
Decide when to and conduct the vote	Look for and test areas of agreement

THE FORMAL CHAIR	THE ENABLING CHAIR
<b><i>Rules</i></b>	
Check that the meeting has been called in accordance with the rules	
Have a thorough knowledge of the rules	
Rules on points of order and procedure	
<b><i>Outside the meeting</i></b>	
Act on behalf of the organisation	
Pursue decisions made in meetings	
Represent the council to outside bodies	
Ensure someone will carry out decisions	Ensure that responsibility for action is allocated

## SECTION 2(B) - MODEL ACCOUNTS

.....COMMUNITY COUNCIL

### INCOME AND EXPENDITURE ACCOUNT FOR YEAR ENDING 31<sup>ST</sup> MARCH .....

INCOME	£'s	£'s
Balance carried forward from previous year	100.00	
Bank Interest	10.01	
Annual Grant	250.00	
Special Project Grant	750.00	
Other Income (eg. fundraising)	50.00	£1160.01
EXPENDITURE	£'s	£'s
Auditors Fees	30.00	
Information Commissioner Annual Subscription	35.00	
Travel Expenses	22.50	
Office Bearer Expenses	100.00	
Administration costs (including postage, copying, stationery, etc.)	116.97	
Other expenditure	36.99	341.46
<b>CLOSING BALANCE</b>		<b>818.55</b>
Represented by		
Cash in Bank		768.55
Cash in Hand		50.00

Prepared by ..... (Treasurer) Date .....

**"I certify that the above accounts have been prepared by me and accurately reflect the financial provisions relating to the period ....."**

#### Auditor's Certificate (For Two Independent Examiners)

We have examined the books and records of ..... Community Council for the period ..... to ..... and have found them to be in order.

Print Name .....

Signature ..... Date .....

Print Name .....

Signature ..... Date .....



**OR**

**Auditor's Certificate (For Qualified Chartered Accountant)**

I have examined the books and records of ..... Community Council for the period ..... to ..... and have found them to be in order.

Print Name .....

Signature ..... Date .....  
(Certified Accountant)

**Declaration by the Chair**

I confirm that these accounts have been approved at the annual general meeting of .....  
.....Community Council  
held on .....

Signature ..... Date .....

### **SECTION 3 - FILLING OF VACANCIES**

Casual vacancies on a community council may arise in the following circumstances: -

- When an elected community council member submits their resignation
- When an elected member ceases to be resident with the community council area
- When an elected member has their membership terminated due to non-attendance for a period of 6 months (where no leave of absence has been granted)
- On the death of an elected community council member

Should a vacancy or vacancies arise on a community council between elections, it shall be a requirement that the community council shall put in place prompt arrangements to advertise and fill the vacancy by co-option, in consultation with the local authority. However, should circumstances arise that lead to the number of elected community councillors falling below 4 members, the local authority shall be informed, and shall offer advice and assistance for advertising for additional members as described within West Lothian Council's Community Council Guidance Notes.

Co-opted members must be eligible for membership of the community council as detailed in Section 5 of the Community Council Scheme. They must be proposed, seconded and elected onto the community council by a two-thirds majority of the elected community councillors present and voting. Such co-opted members shall have full voting rights and will serve until the next round of elections. Notice of any proposed co-option procedure is required to be intimated to all of that community council's members at least 14 days prior to the meeting when the matter will be decided.

## SECTION 4 – ELECTION OF MEMBERS AND CO-OPTION OF ADDITIONAL MEMBERS

**Is the candidate aged 16 or over and does their name and address appear in the electoral register for the area they wish to join?**

**YES**

During the 4-yearly elections, anyone over the age of 16 can submit a nomination to stand for election to their local community council.

Their name and address must appear in the electoral register for the community council area they wish to join. They must be proposed and seconded by two registered electors from the same community council area.

Nominations must be submitted to the council's Returning Officer by the set closing date. No late nominations will be accepted. See pages 46-47 for nomination form.

**NO**

To join a community council as a full member, candidates' names and addresses must appear in the electoral register. If they live in the area, they should arrange to register with the Electoral Registration Office without delay.

If aged 14-16, please follow [process below](#).

**Is the candidate aged between 14 and 16?**

**YES**

Each community council can have up to 4 youth members aged between 14-16. Proof of residency will be required.

Youth members have full voting rights and can hold an office-bearer position.

See pages 50-51 for nomination form.

**NO**

Unfortunately, youth community councillors cannot join until they are 14 years old.

If over 16, please follow the [process above](#).

**Is the Community Council looking to fill a vacancy outwith 4-yearly elections and does the name and address of the candidate appear in the electoral register?**

**YES**

The community council can co-opt a candidate to a vacancy subject to the number of co-opted members not exceeding the current prescribed size.

Notice of the proposed co-option should be given to all members at least 14 days before the meeting when the matter will be discussed.

At least 2/3rds of the members present and voting at the meeting must agree to the co-option.

Co-opted members have full voting rights and will serve until the next round of elections. See pages 48-49 for nomination form.

**NO**

If they live in the area but are not on the electoral register, they should arrange to register with the Electoral Registration Office without delay. This takes approximately 6 weeks to complete.

**OR**

Do they live outwith the community council area and have a particular skill or knowledge?

If so they could be appointed as an Associate Member. There is no restriction on the number of associate members permitted on a community council. Associate members do not have voting rights and cannot hold an office-bearer position. There is no nomination form to complete.

## SECTION 5 – ROLE OF ELECTED COUNCILLORS ATTENDING MEETINGS OF COMMUNITY COUNCILS



### MY ROLE IN ATTENDING A COMMUNITY COUNCIL

While I am here to listen to your views and assist you, I also have a duty to act in the interests of the Council as a whole and to represent it. I must act in accordance with the Councillors' Code of Conduct at all times. As such:

#### I CAN:

- Help the community council make the community's views known.
- Give the community council advice on the correct procedure to follow and who to contact at the council.
- Raise concerns the community council may have about a council service / decision.
- Seek information on the community council's behalf in respect of the progress of an application.
- Make representations on the community council's behalf. In doing so, however, I may then give up my right to be a decision-maker on the matter.

#### I CAN'T:

- Overturn a Council decision (e.g. on a planning matter).
- Express a view or advocate for / against a cause if I want to take part in the decision-making process (if it is a regulatory or quasi-judicial matter e.g. licensing or planning).
- Seek legal advice from the Council on the community council's behalf.
- Pass on any legal advice provided to the Council.
- Guarantee all information discussed at a community council meeting will be kept confidential.
- Become inappropriately involved in the Council's operational matters.

The Councillors' Code can be found at [www.standardscommissionscotland.org.uk/codes-of-conduct](http://www.standardscommissionscotland.org.uk/codes-of-conduct).

## SECTION 6 - DATA PROTECTION

The Data Protection Act 2018 (alongside UK GDPR) governs the use of personal data, which ensures the fair and proper use of people's information and their right to privacy. It imposes important obligations on any persons or organisations, including community councils, which acquire, store, use or deal with personal data - either electronically or within certain paper records. Whilst failure to comply with the Act's requirements can have serious legal consequences, community councillors should be reassured that most breaches are likely to simply require remedial action to be undertaken and would not be deemed to be criminal offences. Good practice in data protection is vital to building public trust in the organisation.

### Personal Data and Sensitive Personal Data

- Special rules govern the processing of sensitive personal information
- "Personal data" means any information by which it is possible to identify a living individual (referred to in the Act as a "data subject"). Information on individuals who have died is not personal data.
- "Sensitive personal data" means information regarding such things as an individual's racial or ethnic origin, political or religious beliefs, physical or mental health and sexual life. This is Special Category data and requires additional protection under data protection law. Special rules apply to sensitive personal data and community councils should seek advice if they hold any sensitive personal data (other than that which is in the public domain such as the political affiliation of local elected members or the denominations of clergy).
- The Act regulates the processing of personal data. "Processing" means acquiring data, storing it, amending or augmenting it, disclosing it to third parties, deleting it – i.e. doing anything with it at all. A data controller is the organisation that determines the purpose, reason and means of processing data. The data controller has overall control and ownership of the data. Further information on processing personal data can be found on the ICO website: Lawful basis for processing [here](#) or <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/>
- The Act applies to personal data which is held in any kind of storage system, whether electronic or manual.

### The Data Protection Principles

The Act sets out some basic rules regarding processing personal data, known as the Data Protection Principles. These are –

- Principle 1: Data must be processed fairly, lawfully and transparent
- Principle 2: Purpose Limitation Data must be obtained for one or more specified and lawful purposes, and must not be processed in any manner incompatible with those purposes
- Principle 3: Data Minimisation - data must be adequate, relevant and not excessive
- Principle 4: Accuracy - data must be accurate and kept up to date
- Principle 5: Storage Limitation - data must not be kept longer than necessary
- Principle 6: Accountability - data must be processed in accordance with the data subject's rights

- Principle 7: Integrity and Confidentiality (security) - appropriate technical and organisational measures must be taken against the data's unauthorised or unlawful use and their accidental loss, damage or destruction

## **Data Subjects' Rights**

The Act gives important rights to data subjects, including the right –

- To be informed that their personal data is being processed by the data controller
- To be given access to their personal data
- To require their personal data not to be used for direct marketing purposes
- To require the data controller to stop any processing of their personal data which is causing substantial and unwarranted damage or distress

## **Contravention of the Act**

Data breaches must be reported to the relevant supervisory authority (the Information Commissioner's Office) within 72 hours of becoming aware of the breach. If the breach is high risk, affecting individual rights and freedoms then the individual must be informed immediately.

A robust means of detecting breaches, with investigating and reporting procedures should be in place. All breaches should be recorded whether or not they need to be reported to the supervisory authority.

Current offences include the unlawful obtaining, disclosing or selling of information, a failure to follow a Notice from the Commissioner and the failure to notify the Commissioner of processing which takes place. These offences are punishable by the payment of a fine.

Compensation may be payable to any person who suffers damage and distress as a result of a contravention of the Act. Such compensation is awarded by the Court.

## **The Information Commissioner**

The role of the Information Commissioner is to uphold information rights in the public interest, and is located at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF and applies throughout the UK. The Commissioner has powers under the Act to issue Notices to data controllers, requiring them to provide information regarding their compliance with the Act, or to carry out certain steps under the Act; as indicated above, failure to comply with a Notice is a criminal offence. The Commissioner also has power to carry out investigations, including the power to enter data controllers' premises.

The Commissioner publishes detailed guidance on various aspects of the Act on the website at [www.ico.gov.uk](http://www.ico.gov.uk). Advice can also be obtained from the ICO's Scottish office in Edinburgh at [Scotland@ico.gsi.gov.uk](mailto:Scotland@ico.gsi.gov.uk) or 0131 225 6341 (The Information Commissioner should not be confused with the Scottish Information Commissioner, who enforces the Freedom of Information (Scotland) Act 2002.)

## **Notification to the Information Commissioner**

All data controllers are obliged by the Act to notify the Information Commissioner of the classes of personal data which they are processing, the purposes for which they are processed and the recipients to which the data may be disclosed. Community councils only need to notify if personal data are processed electronically.

This information is included in the Commissioner's Register of Notifications, which is open to public inspection. Unless within an exempt category, it is a criminal offence to process personal data without first notifying the Commissioner. It is likely that only a few community councils will be covered by an exemption.

## Complying with the Data Protection Act

Community councils must comply with the Data Protection Act because they process personal data as defined under the Act. For example, it is likely that the Secretary of community councils will hold electronic records of contact details of its members, of some local residents and of elected members or employees of the local authority. These may be within databases, Minutes of meetings or in correspondence

In order to comply with the Act, community councils should take the following steps:

- Nominate someone (e.g. the Secretary) as the person responsible for data protection.
- If collecting personal data from individuals, you should explain the purpose for which the data is being collected as well as giving them the name of the Community Council and the name of the person nominated as being responsible for data protection.
- Ensure that personal data are properly protected – if data are stored electronically, ensure that they are password-protected and (in sensitive cases) encrypted. If they are stored manually (e.g. a paper filing system), ensure that the files are kept in a secure place.
- Ensure that personal data are never disclosed to any unauthorised third party, whether accidentally or on purpose. Do not discuss personal issues in public or leave papers or computer files unsecured at home.
- Periodically review the personal data that are held, making sure that they remain accurate and up to date – where necessary dispose of or shred data that are no longer needed.
- **VERY IMPORTANT:** notify the Information Commissioner of the personal data which are being processed, the purposes for which they are processed and the recipients to which the data may be disclosed. It is a criminal offence to process personal data without having first notified the Commissioner.
- Before notifying, identify what personal data are held and who the data subjects are; ascertain the purposes for which the data are to be used; identify where and how the data are stored or recorded. This will assist in completing the notification template.
- Notification can be done online at the Commissioner's website by going to:
  - [www.ico.gov.uk/what\\_we\\_cover/data\\_protection/notification.aspx](http://www.ico.gov.uk/what_we_cover/data_protection/notification.aspx) and then by following the step-by-step directions given there. The website includes standard templates for different types of organisations, including a set of local and central government templates; this includes, in turn, standard template N958 – Scottish Community Council. By clicking on that template, the standard classes and uses of personal data for community councils are automatically included in the notification. Check the details and modify the form before printing it off, signing and posting to the Commissioner.
  - Alternatively, a community council may send the required information, as shown below, to [notification@ico.gov.uk](mailto:notification@ico.gov.uk) and ask for a template for a Scottish Community Council to be completed. The Information Commissioner's Notification

Department will then provide a draft for the community council to approve/ amend as necessary.

- Community councils can also phone the Information Commissioner's Notification Helpline on 01625 545 740 and ask for a draft template for a Scottish Community Council to be completed. The required information (as shown below) should be given over the phone.

The information needed is as follows:

- Community council name
- Community council address
- Contact name and role in the community council (i.e.Chair/Secretary/Treasurer)
- Contact address
- Contact telephone number
- Contact e-mail address

Notification currently costs £52 or £47 if you pay by direct debit and must be renewed annually.

This section is designed to provide only general information about data protection. If you have any specific queries regarding these issues, you should contact the relevant officer at your local authority for advice and guidance.



## **SECTION 7 - COMMUNITY COUNCIL GOVERNANCE STRUCTURE**

### **Introduction**

This governance structure has been developed in compliance with clause 10 of the Constitution. The standard requirements for governance being a statement of the responsibilities of committees and the rules and procedures for making recommendations, in a manner conducive to examination.

Clause 10 of the Constitution (Committees of the Community Council) states:

*The community council may appoint representatives to committees of the community council and shall determine their composition, terms of reference, duration, duties and powers.*

Committees can be both permanent standing groups of the community council and task orientated temporary groups charged with undertaking a specific assignment. Committees will use their best endeavours to submit a written report to community council members five days before the community council meeting.

### **Composition**

Committees will comprise not less than 4 members and include at least two members of the community council. Any committees established must be chaired by a community council member. A community council member may join any number of committees. The membership of committees will be approved by the community council and recorded in the community council minutes.

In addition to members of the community council, committees may include:

- Ex-Officio Members (elected members of the local authority and members of the Scottish, United Kingdom and European parliaments),
- Associate Members (those appointed to the community council for a specific skill, knowledge or for specific projects/issues)
- Any other representative of a community group but not a member or associate member of the community council or a named member of the public or a consultant with relevant skills, knowledge and a willingness to participate in the committee in accordance with the Scheme and Constitution of the community council.

### **Terms of Reference, Structure, Purpose and Duties**

The terms of reference will be decided by the community council and recorded in the minutes. Each committee will decide its structure, purpose and scope of work; and any subsequent changes thereto, and present these for approval to a meeting of the community council. In deciding the scope of work, the committee must estimate the anticipated expenses of the committee and its members. A maximum budget will be agreed for each committee by the community council. No expenses shall be incurred without the prior approval of the community council.

## **Duration**

Committees may be permanent standing groups or task orientated temporary groups undertaking a project which has a commencement and completion date. The community council may form, rename, combine or discontinue a committee at any meeting.

## **Powers and responsibilities**

The following powers are conferred on committees:

- Committees will determine their own meeting regime
- Committees will provide minutes of each meeting
- Members of committees are not permitted to express an opinion or enter into formal communication with a person or organisation as a representative of that committee without the prior approval of the community council. Note: prior approval can be assumed where the proposed opinion or communication is circulated to all members of the community council and no dissent is received from any member within 4 days.

## SECTION 8 – KEY POLICY DEVELOPMENTS AND USEFUL RESOURCES

In recent years, there have been a number of policy developments which have an impact on the work of community councils and other community organisations. The information below is a starting point for community councils to help better understand the latest community empowerment tools and resources.

### Community Empowerment (Scotland) Act 2015

The Community Empowerment (Scotland) Act 2015 provides a legal framework that promotes and encourages community empowerment and participation, by creating new rights for community bodies and placing new duties on public authorities. There are 11 policy parts in the Act coming into force at different times. The legislation is available [here](#) or at <https://www.legislation.gov.uk/asp/2015/6/contents/enacted>

The following parts of the Act will be of particular interest to community councils.

### Community Planning

Community planning forms Part 2 of the Act and came into force 15 April 2016. It places community planning partnerships on a statutory footing and imposes duties on community planning partners around planning and delivery of local outcomes. Community planning is about how public bodies work together, and with local communities, to design and deliver better services that make a real difference to people's lives. Community councils are not specifically mentioned in the Part 2 but will be one of the many key partners to influence and engage with the process. More information is available [here](#) or at <https://www.gov.scot/policies/improving-public-services/community-planning/>

### Participation Requests

Participation requests form Part 3 of the Act and came into force on 1 April 2017. Community councils are listed as a Community Participation Body which is the term given to the group of people who can make a Participation Request to a Public Service Authority. If required, Participation Requests can help to start a dialogue and contribute to decision-making processes to improve outcomes. More information is available here: [here](#) or at <https://www.gov.scot/policies/community-empowerment/participation-requests/>

Guides, tools and templates to make the most out of Participation Requests can be found on the Scottish Community Development Centre website [here](#) or at <https://www.scdc.org.uk/participation-requests>

### Community Right to Buy Land

Community Right to Buy Land forms Part 4 of the Act and came into force on 15 April 2016. It extends the community right to buy to all of Scotland and introduces a new provision for community bodies to purchase neglected, abandoned or detrimental land where the owner is not willing to sell that land. Community councils are not mentioned in the Act but will want to have an awareness and knowledge of this important piece of legislation.

More information is available [here](#) or at <https://www.gov.scot/publications/community-rights-to-buy-overview/pages/community-right-to-buy-the-part-2-right-to-buy/>

### Community Asset Transfer

Asset Transfer forms Part 5 of the Act and came into force on 23 January 2017. Eligible community bodies named Community Transfer Bodies, can request to buy, lease or have other rights in land, including buildings or other structures on land, which is owned or leased by Relevant Authorities. Due to the composition of community councils, they are not listed as an eligible body in the Act. However, community councils are uniquely placed at the centre of their communities and can play a key role by giving Community Transfer Bodies advice on the wider aspects of community priorities or local plans. More information is available [here](#) or at <https://www.gov.scot/policies/community-empowerment/asset-transfer/>

Expert advice and support is provided by the Community Ownership Support Service (COSS) and more information is available [here](#) or at <https://dtascommunityownership.org.uk/about-coss>

### Common Good

Common Good forms Part 8 of the Act and came into force on 15 April 2016. It places a statutory duty on local authorities to establish and maintain a register of all property held by them for the common good and publish their proposals. The Act requires that local authorities consult with the local community when it is planning to dispose of Common Good property or change its use and community councils are listed in the Act at Section 105 (5). More information is available [here](#) or at <https://www.gov.scot/publications/community-empowerment-common-good-property-guidance-local-authorities/>

In addition to the above, there are a number of other ways outwith legislation that community councils can play a key role in either participating directly, or by providing support for local community initiatives. Examples are as follows:

### Participatory Budgeting

Participatory Budgeting (PB), known as Community Choices in Scotland, is a democratic process which empowers communities to have a say in how local budgets are spent. It supports participatory democracy and enables communities (of interest, identity or place) to be involved in making decisions about their own needs.

The Convention of Scottish Local Authorities (COSLA) and the Scottish Government are supporting Participatory Budgeting as a tool for involving communities and as a way of building democracy locally.

West Lothian Council has run a number of Community Choices processes and progress continues to be made towards embedding this approach across relevant and appropriate council services. Community Choices provides a real opportunity for local people to have a direct input into how money is spent to address local issues and improve communities. More information can be found on the council's community choices webpage.

Community councils across Scotland have led on successful PB initiatives in their local community. The Scottish Community Development Centre hosts the PB Scotland website and more information is available [here](#) or at <https://pbscotland.scot/>

### Social Impact Pledge

The Social Impact Pledge was launched in 2016 and asks public sector organisations across Scotland to commit to increasing their social impact, by offering practical support to benefit the community. A pledge can be as practical as offering a free meeting space for community organisations, offering increased work experience for students and young people, allocating paid free time for staff to support community fund raising or providing opportunities for young people to experience a Board meeting or shadow a Board member. The Scottish Community Development Centre hosts the Social Impact Pledge and more information is available [here](#) or at <https://www.communityscot.org.uk/social-impact-pledge/>

### The National Standards for Community Engagement

The National Standards for Community Engagement are good-practice principles designed to support and inform the process of community engagement and improve what happens as a result. The Standards were revised in 2016 and 2020 to guide thinking on how to engage effectively with communities, in particular following recovery from the Covid-19 pandemic. More information is available [here](#) or at <https://www.scdc.org.uk/what/national-standards/>

[VOiCE \(Visioning Outcomes in Community Engagement\)](#) was refreshed in 2021 and it continues to be a very well-used online platform for planning and evaluating community engagement within the public, voluntary and community sectors and may be a useful tool for community councils.

The [Engaging With Our Communities to Support Recovery and Renewal](#) resource looks at good practice in engaging digitally. Although initially written to support Covid-19 recovery, the information is also relevant to digital engagement in a wider context.

### Community Development

Community development helps people come together to take action on what is important to them and helps communities to organise and identify the issues they want to address, or the opportunities they want to explore. Community councils may want to engage with the key national organisations for community development in Scotland. Website links are as follows:

Scottish Community Development Centre: [SCDC - We believe communities matter](#)

Community Development Alliance Scotland: [Community Development Alliance Scotland](#)

## **SECTION 9 – CONTROL OF FINANCE**

The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1<sup>st</sup> April to 31<sup>st</sup> March.

The local authority provides the annual grant to community councils to assist with the operating costs of the community council. The level of annual grant shall be as set by West Lothian Council. Community councils set up mid-way through the financial year will receive the remaining proportion of the annual grant.

The annual accounts of each community council shall be independently examined by a qualified accountant or by two examiners appointed by the community council, who are not members of that community council and who have no connection with the community council

The annual grant will be paid upon receipt of the previous year's audited accounts following inspection of the accounts by the council's Financial Management Unit.

All expenditure should normally be approved in advance by the community council and such approval recorded in the minutes. In case of urgent need, with the approval of all the office-bearers and support of at least one half of the voting membership, expenditure may be authorised in between meetings, but must be confirmed as approved at the next meeting of the community council.

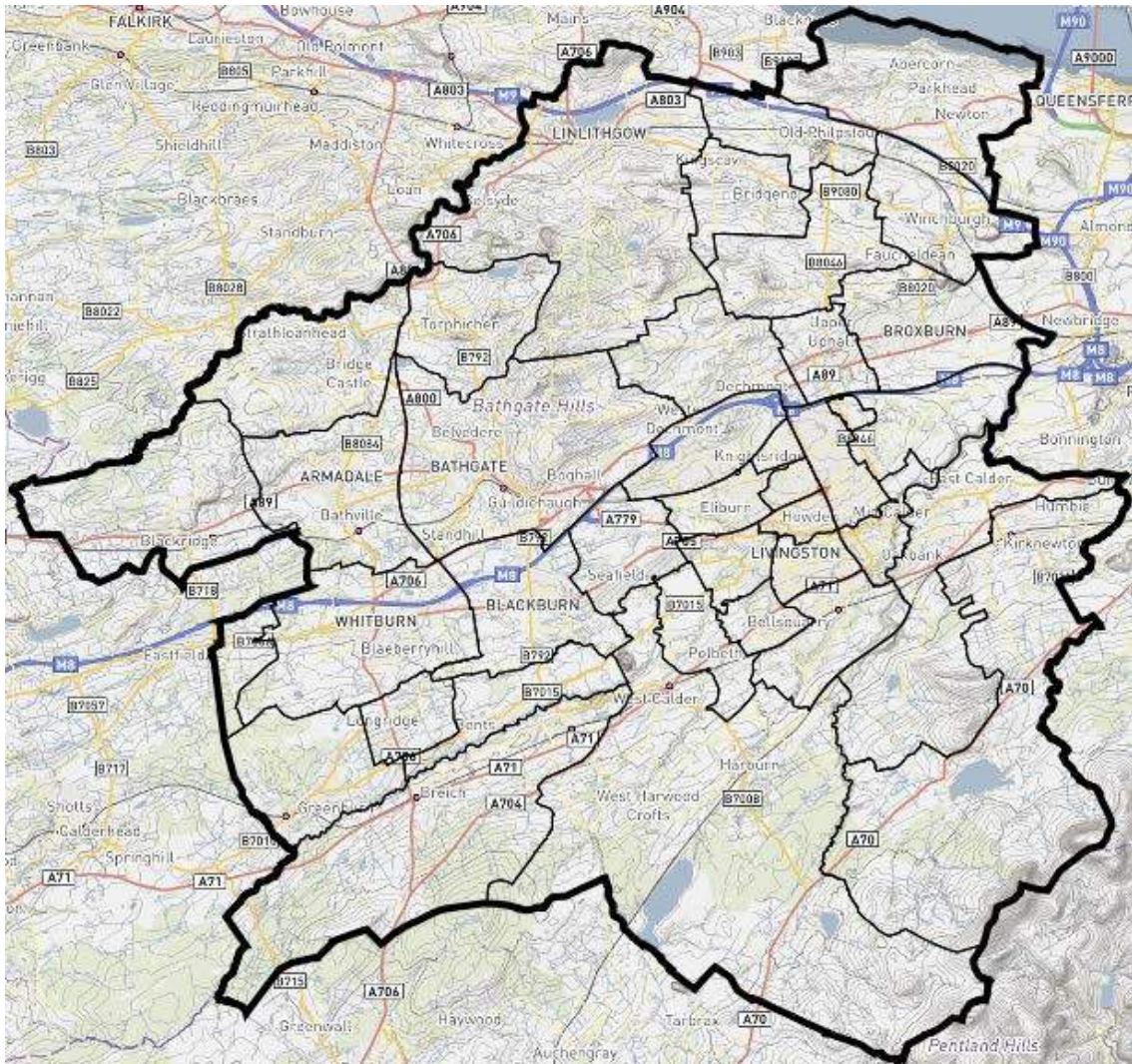
In any financial year, community councils should not donate more than 1/3<sup>rd</sup> of their annual grant from West Lothian Council. The award of donations from a community council annual grant to constituted groups is entirely at their discretion. Community councils should ensure that any donations are awarded are to constituted groups/worthy causes which will be of benefit within the geographical boundary of the community council area. This restriction does not apply to reserves the community council has accumulated.



## SECTION 10 – DEVELOPMENT MANAGEMENT: A GUIDE FOR COMMUNITY COUNCILS

### 1. INTRODUCTION

The planning system can often seem complex and confusing, and this guidance note is intended to help community councils understand how the system works and their role within it.



Since 1996, community councils have had the statutory right to be consulted on applications for planning permission.

The Scottish Government's [Planning advice note \(PAN\) 47](#) (1996) sets out the roles and responsibilities of community councils.

Further to this [PAN 3/2010](#) deals with Community Engagement and the broader Planning system. Community councils should familiarise themselves with these key documents.

### 2. DEVELOPMENT MANAGEMENT

Development management is the part of the planning system that community councils are likely to encounter most regularly.

There are three main elements to a planning authority's development management responsibilities:

- planning applications - applications for planning permission and other consents;
- appeals and reviews; and
- enforcement.

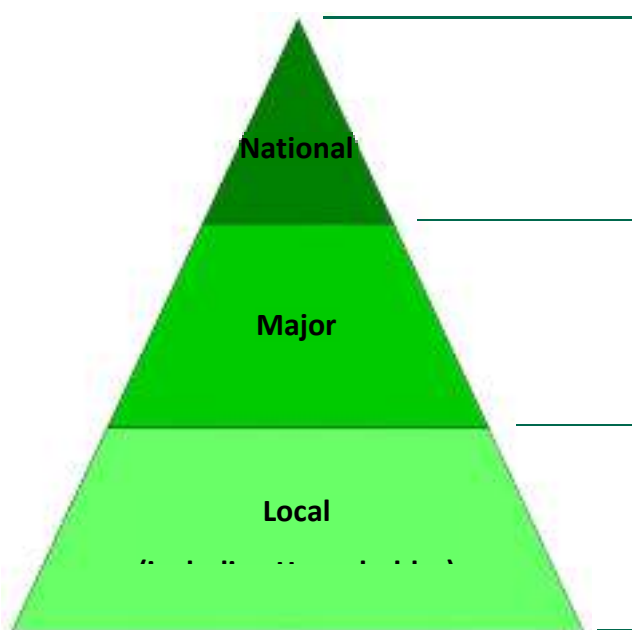
### 3. PLANNING APPLICATIONS

#### Applications for Planning Permission and Other Consents

Planning legislation defines what development activities require planning permission. Development is defined in the legislation as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. This means that anyone wanting to carry out an activity which is covered by the definition will probably need to obtain planning permission prior to work beginning.

It is important to note that in addition to the more obvious requirement to obtain planning permission for the construction of new buildings such as houses, shops, offices and similar, the second half of the definition refers to changes of use which may not involve physical building work. The major exception to this is that ‘permitted development rights’ have been created to remove the need to apply for planning permission for certain developments.

Where an application for planning permission is required, legislation divides development into three categories. This is known as the hierarchy of development. The three categories are national, major and local. There are different procedures in place for determining applications for the different categories of development.



#### **NATIONAL DEVELOPMENTS**

contained in the National Planning Framework (NPF) which is produced by Scottish Government

#### **MAJOR DEVELOPMENTS**

There are 9 classes of major development in the hierarchy. For example, 50 or more houses is a major development.

#### **LOCAL DEVELOPMENTS**

All other developments (including householder).



**National developments** are large scale developments which are identified in the National Planning Framework. Whilst national development status establishes the need for a project, it does not grant development consent.

**Major developments** are defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. There are nine classes of major development including developments of 50 or more houses, business space over 10,000m<sup>2</sup> and wind farms with a generating capacity of more than 50MW.

**Local developments** are all types of development which do not fall into the national or major categories.

### National and Major Developments

If the proposal is for a national or major development the developer is now required to undertake a mandatory pre-application consultation.

Pre-application consultation allows communities to be better informed and to have an opportunity to contribute their views to the developer before a planning application is submitted.

This requirement means that a Proposal of Application Notice (PAN) is submitted to the local authority a minimum of 12 weeks prior to the submission of any planning application.

This involves:

- developers sending details of the proposal to the council (pre-application consultation - PAC) and to local community councils and consulting the wider community using at least one locally advertised public event.
- sometimes, a developer may be asked by the planning authority to undertake additional community engagement depending on the nature, extent and location of the proposed development.
- If the community council have comments at this stage they are made to the developer not the council.
- Pre-application consultation does not replace the opportunity to comment on planning applications once they have been received by the planning authority.

### Different Types of Consent

There are two types of planning permission – planning permission in principle and full planning permission. There are also other types of consent related to development including listed building consent, conservation area consent, advertisement consent and hazardous substances consent.

Planning permission in principle (P) establishes the acceptability of a particular type of development on a site without requiring a significant level of detail about the proposed development. This is usually used where the likelihood of planning permission being granted is

uncertain or in the case of major development proposals to avoid the initial high costs of detailed design work.

Planning permission in principle will have conditions attached which require the submission of further details of the proposal to the planning authority for their approval. This type of application is referred to as an application for approval of matters specified in conditions (MSC).

Applications for full planning permission relate to the full details of the proposed development. Planning permission can be granted, granted subject to conditions or refused.

## **4. FINDING OUT ABOUT PROPOSALS IN YOUR AREA**

### **The Weekly List**

A list of valid or determined applications can be found on-line at ["Search Weekly Lists"](#) for any week or month by entering the relevant dates in the search fields. This site is updated live and holds the current information for all valid applications when viewed.

Separate to this online facility, a list of all valid applications received the previous week, including proposal of application notices, is published every week. This list is emailed (or mailed where there is no email address) to community councils as required by PAN47.

On viewing the Weekly List, a community council's appointed planning spokesperson should assess whether any of the planning applications listed in its area raises issues of local interest. They should then decide whether to be a formal consultee or simply make a representation. Irrespective of whether representation or consultee, the date to comment by is included in the List.

Community councils may also wish to check planning applications in adjacent wards in case they may impact on their area.

More details about whether to make representations or be a consultee can be found below.

### **Planning and Building Standards Online Services**

The ["Online Services"](#) search allow planning application details, including the application form and associated plans, to be viewed via the internet.

There are several ways of searching for applications such as by ward, property address and application number.

Once you have registered to view or comment on planning applications, you can submit comments and save searches so that you will be notified of any new applications that match the saved search details.

## 5. REPRESENTATION OR CONSULTEE

A planning authority has to take comments, known as representations, into account in reaching its decision on a planning application, provided that:

- the representations are made within a specified period, and
- they are material planning considerations

Anonymous letters of objections or support will not be considered.

### Representation

Any individual or organisation has the right to submit comments, known as representations, on a planning application. Many community councils submit comments and objections as 'representations' after viewing the application details.

The representation method is generally used where the community council has a clear understanding of local opinion on the proposal, or where the proposal is relatively minor but nevertheless raises a wider local issue.

Representations are accepted on the understanding that the views contained therein are the views of the community council.

Guidance and advice on commenting on planning proposals is available on the Council web site.

[PAN 47](#) provides community councils with guidance on their responsibilities in this respect.

### Consultee

Some bodies can be consulted direct on planning applications and submit responses as representations this way.

Community councils will be consulted on all national or major planning applications and for other applications planning legislation requires a community council to request formal consultation within 7 working days of the issuing date of the Weekly List.

For practicality, in West Lothian, any community council representation will be dealt with in the same manner irrespective of whether it is received as a standard representation or as a direct consultee response.

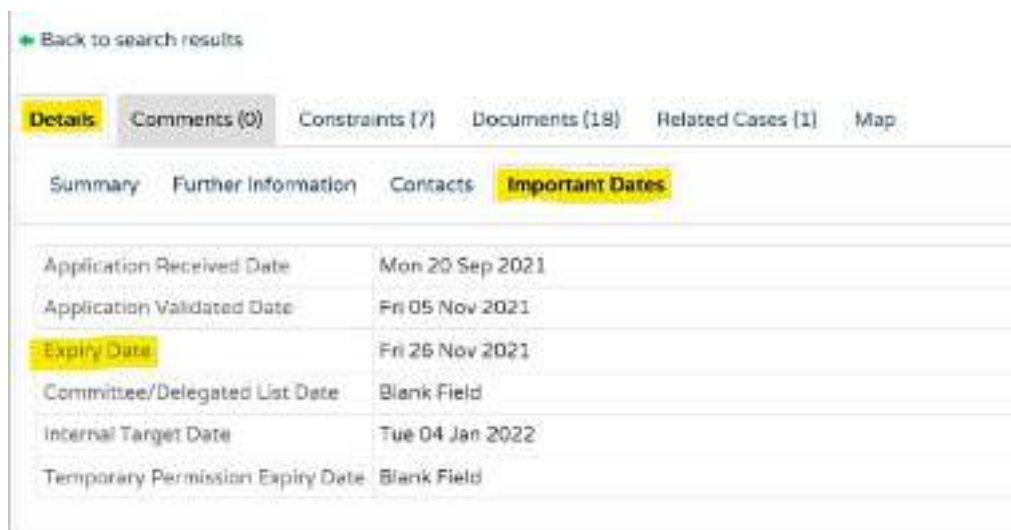
## 6. TIME PERIOD FOR REPRESENTATIONS

In all cases representations must be received within the latter of:

- 21 days from the date of validation of an application, or
- the last date as notified in a newspaper advert relating to the application.

This actual date can be found in the online register under the Details tab and Important Dates sub tab with the date field being known as “Expiry Date”.

### **Expiry Date – Last date for representations to be received.**



Back to search results	
Details	Comments (0)
Constraints (7)	Documents (18)
Related Cases (1)	Map
Summary	Further Information
Contacts	Important Dates
Application Received Date	Mon 20 Sep 2021
Application Validated Date	Fri 05 Nov 2021
Expiry Date	Fri 26 Nov 2021
Committee/Delegated List Date	Blank Field
Internal Target Date	Tue 04 Jan 2022
Temporary Permission Expiry Date	Blank Field

Community councils should ensure that their method of working allows them to respond within the consultation period. In exceptional cases, an individual time bound extension of this period may be requested by the Community Council.

Any request for an extension to the consultation period must be made:

- within the original published time period for representations on the application in question, and as early in this process as possible,
- by email direct to [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk) and copied to the case officer for the application.

Community councils are advised to limit their attention to proposals which raise issues of genuine community interest: householder applications will rarely involve issues of this kind.

## **7. MATERIAL PLANNING CONSIDERATION**

There is no statutory definition of what constitutes a material consideration but there are two main tests for deciding whether a consideration is material and relevant:

- it should serve or be related to the purpose of planning. It should therefore be related to the development and use of land; and
- it should fairly and reasonably relate to the particular application.

Generally, a material consideration is a planning issue which is relevant to the application and can include national, European and council policies, comments by the public and by organisations the council has consulted, the design of the proposed development, and the effect of the plan on the environment.

In many respects it is easier to identify what is not a material consideration or is not relevant to

planning, and therefore what should not form the basis of a decision on a planning application.

**The matters below are not considered to be material considerations:**

- the protection of private interests, e.g. loss of views or competition between businesses;
- the personal circumstances of the applicant;
- moral considerations, e.g. betting offices or religious objections to licensed premises;
- political considerations or ideological dislikes, e.g. construction of private schools or hospitals;
- the cost of the development;
- the applicant's lack of ownership of the site (note that planning permission relates to the land and not to the person seeking planning permission);
- issues covered by other legislation, e.g. building safety which is the responsibility of building standards.

**Valid planning matters that should be considered include:**

- the Development Plan;
- national planning policy;
- emerging policies in a development plan that is not yet approved or adopted;
- the planning history of the site, particularly any recent appeal decisions relating to the same land; suitability of the site for the proposed development;
- the suitability of the type of development proposed in terms of compatibility with neighbouring property and the locality;
- design issues including the use of materials, the height, scale, bulk and layout of the development;
- potential loss of privacy or overshadowing of adjoining properties;
- the potential adverse impacts on adjoining property from noise, odours, fumes, etc;
- the economic benefits of the development through the creation of new jobs or possibly loss of local employment;
- meeting identified local needs such as affordable housing, or the creation of leisure facilities;
- the adequacy of the service infrastructure to accommodate the development, including the access arrangements to the site and level of parking provision;
- the impact of the development on the built or natural heritage of an area;
- the creation of a precedent, which might make it difficult to resist similar proposals elsewhere.

This list is not exhaustive but it does represent the considerations considered in most planning decisions.

The relative weighting given to these various considerations is a matter for judgement in each case.

## 8. DECISION MAKING PROCESS

All authorities have a [Scheme of Delegation](#) in place which determines the decision route for the application whether it will be determined by the appointed person or by a council committee.

In line with the current scheme of delegation if a valid planning representation (objection) is received from a community council, within the agreed time period for representations, for an application where the intention is to grant the application then the determination shall be made by a council committee.

The statutory period for deciding valid planning applications is two months for local developments and four months for national and major developments unless the applicant agrees to an extension of that time.

An application will only be considered valid if it is accompanied by all the legally required documents and the fee charged for that category of development.

At the time of validation, the application will appear on a list of planning applications which is widely distributed and published as noted above. Further publicity for planning applications may be given for certain types of development through public notices published in local newspapers and neighbours are notified directly by the council about applications adjacent to their property.

Information on planning applications is available from the council and all key documents and plans or drawings are available online.

Members of the public may make written representations to the planning authority outlining their views on proposed developments. Normally these should be made within 21 days (28 days for EIA developments) of a valid application being registered by the council. In the case of objections, the reasons for objection must be clearly stated. Anonymous letters of objections or support will not be considered.

The planning authority undertakes consultations on planning applications with other departments of the council and external bodies known as statutory consultees. The range of bodies consulted varies according to the nature of the development proposals.

Upon determination many applications are granted permission subject to conditions.

## 9. PLANNING CONDITIONS

Planning conditions enable developments to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable and meet the terms of the use of Conditions Circular.

Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise;
- reasonable in all other respects.

Application of these criteria creates an effective basis for the control and regulation of development, which does not place unreasonable or unjustified burdens on applicants and the current or future owners of application sites. The sensitive use of conditions can also improve the effectiveness of development management and enhance public confidence in the planning system.

Further information can be found in [Circular 3/2012 – Planning obligations and good neighbour agreements](#).

## 10. PLANNING APPEALS AND REVIEWS

After an application has been determined only the applicant can request an appeal or review. There is no right of appeal for 'third parties' e.g. objectors.

The route to follow depends on the classification of the application and the method by which it was determined:

### Local application

- If the determination was made by the appointed person the review is by way of the **Local Review Body**,
- If the determination was made by Development Management Committee the appeal is by way of the Scottish Governments - **Planning and Environmental Appeals Division**,

### Major application

- If the application is a major application the appeal is by way of the Scottish Governments - **Planning and Environmental Appeals Division**,

### Reviews - Local Review Body

To request that a decision is reviewed, you must do so in writing, within three months of the date of the decision notice, to the Local Review Body and clearly set out the reasons for the review. The request for a review should be addressed to the Local Review Body, Committee Services, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF

## Appeals - Planning and Environmental Appeals Division

To appeal against the council's decision on your application, or to challenge one or more of the conditions which are attached to the planning permission, you must appeal in writing within three months (for most applications) of the date of the decision notice.

The appeal must be in writing on a form supplied by the Scottish Government, to the Planning and Environmental Appeals Division, Scottish Government Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

## 11. PLANNING ENFORCEMENT

The council can seek to enforce where works are:

- carried out without planning consent or
- not in accordance with planning consent.

Enforcement is a discretionary power – we are not obliged to follow up every minor infringement.

Enforcement should be used only where there is an unacceptable impact on public amenity.

The focus in any enforcement action is on achieving a negotiated solution and the timescales involved can be long.

There are a number of different possible actions

- Planning Contravention notice,
- Notice requiring planning application,
- Amenity notice,
- Breach of Condition Notice,
- Enforcement notice etc.

Most notices are challengeable by the owner.

There is a separate [Planning Enforcement Charter](#) which provides further detail.

## 12. DEVELOPMENT PLANS

The preparation of a Local Development Plan is a statutory requirement under the terms of the Town and Country Planning (Scotland) Act 2019.

A Local Development Plan (LDP) sets out policies and proposals for the future development and use of land. It seeks to identify the most appropriate locations for new development while at the same time protecting the places people value or which are environmentally sensitive.

The current local development plan for West Lothian is the West Lothian Local Development Plan (WLLDP1), adopted by West Lothian Council in March 2018.



The West Lothian Local Development Plan is being replaced by the West Lothian Local Development Plan (LDP2).

The LDP2 will address a wide range of policy issues and guide future development within West Lothian for a ten-year period starting from when it is adopted. Once adopted it becomes the basis for assessing and determining applications for planning permission.

Community councils are encouraged to get involved in the preparation of the new development plan to allow communities to shape the planning framework which is used for making decisions on individual development proposals.

The process and timetable for the preparation of the next Local Development Plan is set out in the council's [Development Plan Scheme](#) (approved March 2024) which also includes a Participation Statement setting how communities can be involved in the process.

### **13. LOCAL PLACE PLANS**

Local Place Plans (LPPs) are community led plans that were introduced by The Planning (Scotland) Act 2019 to encourage communities to be more active participants in planning for their futures.

LPPs enable communities to submit ideas and proposals for their area.

If a LPP is submitted the council will place it on a register of LPPs and will take its content into account during the preparation of the next Local Development Plan (LDP2).

Community Bodies who wish to submit a Local Place Plan to the council can find out more information on the council's website - <https://www.westlothian.gov.uk/article/74184/Local-Place-Plans-LPPs-Guidance>.

### **14. HELP AND ADVICE**

For further advice please e-mail [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk)

Further information on planning is available on the council website [www.westlothian.gov.uk/planning-and-building-standards](http://www.westlothian.gov.uk/planning-and-building-standards)

### **15. PLANNING AID FOR SCOTLAND**

If you need independent advice, Planning Aid for Scotland may be able to help. The organisation is a voluntary charitable company which offers free advice to individuals, community councils and other groups. PAS volunteers are qualified and experienced planners who can provide information and advice on all aspects of Town and Country Planning and related issues. Their contact details are:-

Planning Aid for Scotland  
11/2B Tweeddale Court, 14 High Street, Edinburgh, EH1 1TE  
Email - [office@pas.org.uk](mailto:office@pas.org.uk) Phone - 0131 220 9730

PAS recommend submitting an enquiry via their online enquiry form is the fastest way for them to provide advice. Further information can be found at - [Advice - Planning Aid Scotland](#)

## SECTION 11 – UNDERSTANDING AND ACHIEVING COMMUNITY ENGAGEMENT

Community engagement is about making sure that people can get involved and take part in a range of ways in the planning, development and delivery of services. It goes further than informing and consulting local people by seeking to enable communities to take an active part in influencing decision making and service delivery.

The Standards for Community Engagement define community engagement as *'Developing and sustaining a working relationship between one or more public body and one or more community group, to help them both to understand and act on the needs or issues that the community experiences'*.

Community councils have a vital role to play in community engagement at local level. It is important that community councillors are aware of their responsibilities in engaging with their communities and the ways in which to do it. Community councils must be equipped with the knowledge and have access to the appropriate tools to enable them to wholly represent the views of their community as a result of genuine community engagement activity.

Community council's ability to undertake effective community engagement depends on the following;

- Understanding what community engagement is and the spectrum of activity within it is central to the ability of community councils to engage with their communities effectively and therefore represent their interests.
- Understanding why we need to engage with communities; the legislative and policy context behind it, the benefits to engagement what we want to achieve by engaging with communities.
- Being clear about who to engage with. Community councils have a defined geographical community however it is important to recognise the different groups and individuals within that.
- Understanding the range of methods and techniques for engaging with communities and how to plan these around the needs of particular groups in the community.

A Community Engagement Toolkit has been developed in West Lothian as a practical resource for anyone that wants more information on how to carry out effective community engagement. This can be used by community councils in helping them to plan and carry out community engagement in the ways that suit members of their community. The toolkit can be found on the council's website [here](#)

## SECTION 12 - CONSULTING WITH YOUR LOCAL AREA

Community councils need to make every effort to communicate with all the residents living in the community. There are two parts to this duty: firstly, to seek their views; and secondly, to keep them informed of the community council's work as their elected representatives.

This is a positive duty. Fulfilling it will immensely improve the service you give to the community. Here are some examples:

- Ensure your local authority is giving you the support you need to fulfil your duty through regular engagement with your Community Council Liaison Officer (CCLO)
- Include main contact details in all correspondence issued from your community council. Always invite contact and encourage feedback.
- Whenever possible, restate the ways constituents can contact you. Make this as easy as possible for them by offering multiple contact routes e.g. email, telephone, social media or a suggestion box in a key community location.
- Create a website or ensure your details are included on the Local Authority website. List contact details and show the date, time and venue of meetings, and the agenda. Include the minutes of all previous meetings.
- Look into using social media channels to publicise the work of the community council and to share information about upcoming meetings. You can use the #FollowMe social media guide for community councils to help you decide which channel is best for you.
- Collate a database of e-mail addresses for constituents. Ask for permission to send them e-mail bulletins seeking their views and reporting your actions.
- Display community council contact details in all public buildings. Include information on what you do and how you can help.
- Secure space in any local newsletters, including local authority publications. You might want to do this collectively among all the community councils in your area.
- Invite and encourage the local press to attend meetings. Issue press releases on matters of local interest and communicate with the local media through your social media channels. Consider appointing an individual to handle social media channels and media relations.
- Whenever you have a change of office bearers, let the local press know and contact any local organisations you have worked with. This communication should indicate the new bearers and reinforce the status, work and approachability of your community council. Do the same after every community council election.
- Hold surgeries for the community in public venues. For example, these could be community premises, local supermarkets or libraries. Advertise these in the local press and online well in advance and again closer to the time. Experiment with times, days and venues, and with the format of the surgery. Always have at least two community councillors present.
- Create and issue surveys at least once per year. Ask questions about the community's perceptions of you, of their community and their quality of life. Ask what you can do to improve the community. Find out what their priorities are. Be sure to include questions on the issues that will be important to your constituents in the future even if the details are not fully known.

These surveys can be issued via email, social media and your website, as well as via printed papers in libraries or community centres in your area. Consider shorter, faster surveys on individual issues of significant local importance as they arise. The responses will be very important in helping you demonstrate how you speak for the community.

- Hold public meetings (in the true sense – all meetings of community councils are by law open to the public) whenever there is an issue of sufficient local importance. Monitor the attendance in terms of whether it representatively reflects the community – age, sex, area of residence, overall numbers and so on.
- Place suggestion boxes in prominent, busy local venues, as well as inviting online suggestions via email, social media and the website. Always respond to comments left when the person gives contact details. Regularly report comments at full community council meetings.
- If possible, deliver flyers or leaflets door to door. This is also an excellent way for community councillors to get to know their constituents, and vice versa. If there is a local community radio station, consider using it to promote the work of the community council.
- Word of mouth and informal personal contact is a common practice and has its place. However, it is the least objective method of discovering the community's views and should not be relied upon wholly when the community council make important decisions.
- Use Plain English and explain any professional terminology or “jargon” used in all community council publications and correspondence to ensure that information is easy to understand.
- The Scottish Community Development Centre (SCDC) has developed a number of resources to help with community engagement, including the National Standards for Community Engagement, which outline good-practice principles designed to improve and guide the process of community engagement.

Remember:

- Always make it easy for the public to contact you
- Always seek comments and opinions from the community
- Evaluate your effectiveness regularly
- Never let the personal opinions of individual community councillors replace the views of your community
- Always adhere to the principles of the Community Councillors Code of Conduct

## SECTION 13 - CAMPAIGNING ON THE ISSUES

How does a community council decide which issues it will consider and how to pursue them?

You will be presented with a large variety of issues and problems. Some will affect a single member of the community, others the entire community and beyond. Your community council must try its best to make a balanced decision on what issues it will tackle and how.

- Start by applying the “community benefit” test. Your actions should be directed towards securing the most positive results for the greatest number of local people, so long as the minority is not adversely affected. When faced with a number of issues, give first and most attention to those that affect the most people and on which you can realistically have a positive effect.
- Begin by gathering information. Decisions made without information, by prejudging the issue or by making assumptions, are bad for your community and your reputation. Find out the key points and then find out what local people feel about it.
- Base your community council’s position on the views of or benefit to the majority of citizens. The community council can play a role in making sure local people have access to balanced information and discussions to inform their views.
- Be honest and realistic about whether you can do something about the issue. What influence can you have on the issue and those involved and what action can you take to bring about change? Can you secure professional advice on technical aspects that would help you make your case? Research the person/ organisation you want to influence – how can you engage with them to reach the desired outcome for the community?
- Decide what results you want. Be specific. Know why you want each of these results and exactly how they will meet the conditions above about benefit to the community.
- Figure out how to reach these objectives and monitor your activity. Assess how you can tell when you have achieved your objectives.
- An issue does not need to have only two opposing sides. Could your community council be an independent mediator bringing opposing factions together?
- Avoid allowing the community council to become the vehicle for any campaign that is not the evident will of the majority of community. When and if that is established, maintain that position and do not let your community council become the venue for constant debate about the issue’s merits. Nor should any single issue overwhelm your meetings.
- When you have determined the official position of your community council on an issue, you should not alter it unless there is a material change in evidence or circumstances.
- A community councillor who becomes publicly associated with a particular position in a way that may be seen to prejudice the community council on an issue must declare their interest to the community council and not take part in any activity associated with it.
- You may choose to appoint a special committee to co-ordinate your action on a particular issue with appropriate delegated authority. Make sure the committee has a clear remit and set clear instructions on what it may do or not do without the prior approval of the whole community council.

## SECTION 14 - REPRESENTING YOUR COMMUNITY

Communities want to see how their views are being reflected in the decisions made on their behalf by community councils. This can be achieved in a number of ways:

- Minutes of community council meetings – minutes should accurately reflect the business at a meeting and the decision that was reached. This decision should be made on the basis of known community opinion (evidenced where possible) to clearly show to both the local community and other outside bodies, such as the local authority, that the community have been listened to and their view(s) accurately reflected.
- Community council meetings – this is the clearest way for community councils to share the known views of the community and to demonstrate to those in attendance that they are being listened to. The Annual General Meeting (AGM) is a great opportunity to promote the work that the community council has done over the preceding year.
- Public (subject specific) meetings – where these reflect areas of local concern it demonstrates to the community that they are being listened to and consulted, that their concerns are being acknowledged and that action is being taken where appropriate on their behalf
- Attendance at public sector agency meetings – such attendances should be reflected in the minutes to identify where community councillors have attended on behalf of their community. Issues/ opinions expressed by the community councillor should be reported back to the community through the minutes.
- Newsletters/public notices – useful to engage and share information but also to gather local views and identify how local views have shaped the views/work of the community council.
- Website and social media – these are increasingly important channels to ensure that you are reaching a wide cross-section of your community. As well as sharing information, they can also be a useful resource for gathering opinions from local people.
- Membership – encourage membership from across the geographical community council area reflecting the make-up of the community it represents. The community council should strive to be diverse and inclusive in its membership and leadership to ensure that all members of the community are represented.
- Communication channels – a community council should communicate regularly with community members to keep them informed about their activities, upcoming events, and issues affecting the community, as well as establishing communication channels with key public and third sector organisations in the area. Examples of communication media include notice boards, posters in local shops, suggestion boxes and online via email, newsletters, social media, forums and virtual notice boards.
- Consultation – it is important for community councils to represent local views through various mechanisms including consultation where possible.
- All information produced should be available as widely as possible and easily accessible. It is also important that the community council seeks out the most effective ways to engage with the residents so that members of the public can inform the community council of issues which they would like to see discussed and make their views known.

When establishing views, community councillors should canvass local opinion but be careful not to be perceived as orchestrating campaigns unless endorsed by the community. Community councils should be aware that it is often only a vocal minority who make representations but that their responsibility is to represent the views of the whole community.



## SECTION 15 - IMPROVING AND ENCOURAGING YOUTH MEMBERSHIP

Ever since they were established, many community councils have struggled to attract and sustain the involvement of young people. The Scotland-wide Scheme for Establishment of Community Councils allows young people aged 16 or over to become full members of their community council which has gone some way towards addressing the difficulties in attracting young people to the role. West Lothian Council's own Scheme goes a step further and allows 4 young people between the age of 14-16 to join their local community council as full members.

Article 12 in the United National Convention for the Rights of the Child states that young people who are capable of forming their views should have the right to express these views freely -

<https://www.cyps.org.uk/rights/uncrc/articles/article-12>

The inclusion of youth members on community councils provides equal opportunities for young people in local democratic decisions through community councils.

Youth members must be aged between 14-16. They or their school will be asked to provide confirmation of their home address to the Returning Officer as due to their age their details may not necessarily appear in the electoral register.

In West Lothian, youth members have full voting rights and can hold an office-bearers position. The only exception is the post of treasurer which must be filled by a member aged 18 or over due to banking restrictions.

Youth members are in addition to the membership numbers and count towards the quorum for a meeting.

A separate nomination pack is available for youth members.

There are a number of organisations in Scotland which can provide help and guidance to community councils who want to increase youth involvement as well as contacting local schools and the local authority.

Youth Scotland: <https://www.youthscotland.org.uk/>

Youthlink Scotland: <https://www.youthlink.scot/>

Scottish Youth Parliament: <https://syp.org.uk/get-involved/join-us/>

Young Scot: <https://young.scot/>

Children and Young People's Commissioner Scotland: <https://www.cypcs.org.uk/>

Children's Parliament: <https://www.childrensparliament.org.uk/>

Scottish Alliance for Children's Rights: <https://www.togetherscotland.org.uk/>

Community councils can stimulate young people's interest by promoting their elections amongst youth groups, pupil councils and student associations, all of which are likely to have young people who may be interested in getting involved in the local democratic process. Local authorities are responsible for promoting active citizenship as part of the school curriculum and this should be linked to the community council election process.



Community councils also need to consider how they will ascertain and represent the views of young people. If this cannot be achieved in the direct ways described above, then community councils can work in partnership with the local authority and other agendas that have direct contact with young people to gather their opinions.

## **SECTION 16 - TRAINING AND DEVELOPMENT OF COMMUNITY COUNCILLORS**

Where there is sufficient demand, training may be provided in-person or online by the council. There is also a training portal available on the Scottish Community Council's website which gives community councillors free access to Open University courses on a range of useful subjects.

The aim of the training and development is to enable community councillors to develop their skills, building their capacity to engage with public agencies and acquire new skills. This will enable each member to participate as fully as possible in the work of the community council, bringing added benefit to their communities.

Basic training needs can include roles and responsibilities, policy and procedure, licensing, planning and other relevant topics. Specific training needs can include chairing meetings, keeping financial records and writing minutes. Training must be delivered and targeted at the needs of individuals or the community council as a whole. Training could be delivered by

- Community Council Liaison Officer/Community Regeneration Officers.
- Individual council services such as planning.
- Outside agencies such as third sector interfaces (TSI), Scottish Community Development Centre (SCDC), Planning Aid Scotland and the Scottish Community Councils project managed by the Improvement Service.
- Community councils themselves through peer support.

## **SECTION 17 – JOINT FORUM OF COMMUNITY COUNCILS IN WEST LOTHIAN**

West Lothian Council recognises the Joint Forum of Community Councils in West Lothian as the representative body for community councils. The Joint Forum was set up in 2017 and is governed by its own constitution.

The aims of the Forum are:-

- To provide support and services to community councils;
- To foster collaboration and knowledge sharing on issues of common interest; and
- To formulate questions for the councils' PDSPs/to influence community planning decisions.

The opportunity to get involved with the Joint Forum is open to every community council in West Lothian. Every year, they appoint representatives to attend and participate in meetings of the West Lothian Community Planning Partnership, the council's Policy Development and Scrutiny Panels (PDSPs) and other such bodies.

Annually, community councils are invited to nominate representatives to join their Executive Committee or to be elected as an office-bearer in advance of their AGM. Each community council has one vote at Joint Forums meetings regardless of how many representatives from their membership attend meetings.

All community councils are encouraged to get involved with the Joint Forum and ensure it is providing services appropriate to the needs of the community councils it represents.

Information on meetings of their Executive, Forums, etc. can all be found on their website at [westlothiancc.com](http://westlothiancc.com)

## SECTION 17 - EQUALITY AND DIVERSITY

### 1. Introduction

The purpose of this document is to make clear:

- Why community councils need to be aware of the general responsibilities relating to the Equality Act (2010); and
- How they can play a significant part in promoting and supporting equality in the community.

### 2. Background

The Equality Act (2010) legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws (Sex Discrimination Act (1975); Race Relations Act (1976); Disability Discrimination Act (1995)) with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

The Act was amended to include the [public sector equality duty](#) in April 2011 – this is often referred to as the general duty. The public sector equality duty states that Scottish public authorities must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

The main purpose of a Community Council is to find out the views of their community and clearly express them to the Local Authority and other relevant public organisations. Some also find themselves involved in fundraising, organising community projects and other such activities. community councils therefore have both a responsibility to ensure that they represent all within their community irrespective of protected characteristics. Community councils must act in accordance with the Equality Act (2010).

### 3. Equality Act (2010)

The Equality Act (2010) outlines following characteristics are protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics. There is also protection against discrimination where someone is perceived to have one of the protected characteristics or where they are associated with someone who has a protected characteristic. The definitions of each of the protected characteristics can be found below:

#### 3.1 Age

This protected characteristic refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

### 3.2 Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

### 3.3 Gender Reassignment

A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

### 3.4 Marriage or Civil Partnership

A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner. In Scotland marriage is no longer restricted to a union between a man and a woman but now includes a marriage between same-sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favorably than married couples.

### 3.5 Pregnancy or Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavorably because she is breastfeeding.

### 3.6 Race

Race refers to a group of people defined by their race, nationality (including citizenship) and ethnic or national origins.

### 3.7 Religion or Belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

### 3.8 Sex

Sex refers to how an individual identifies as a male or female.

### 3.9 Sexual Orientation

Sexual orientation refers to whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

## 4. **Community councils and Equality**

There are various ways in which community councils can support and promote equality and diversity. Some key examples include:

- Find out about the population make-up of the area – for example how many people of different races or with disabilities live in the area? Is the work of the community council taking this diversity into account?
- Ensure that any advertising or promotions for the Community Council are inclusive to all, and that meetings take place in accessible buildings at times that are as inclusive as possible.
- You may need to make a particular effort to hear from or engage with underrepresented or seldom heard groups – help to do this is likely to be available from your community council liaison officer or from Voluntary Sector Gateway West Lothian.
- If organising or participating in local events in partnership with community groups, you may want to include West Lothian Council supported Equality Forums (further details at 5.3).
- Act in an inclusive manner when inviting speakers from community groups to discuss difficulties they are experiencing in the community with the community council.
- Make it clear that the community council will not support any discrimination, harassment or victimisation.

## 5. Further Information

Further information or guidance in relation to equality and diversity is available from the following sources:

### 5.1 Equality and Human Rights Commission

This is the national, independent organisation responsible for ensuring that organisations comply with equality and diversity legislation and guidance:

<https://www.equalityhumanrights.com/>

### 5.2 Equality Advisory Service

The Equality Advisory Service provides information and guidance to individuals on their rights and responsibilities in relation to equality and discrimination issues:

<http://www.equalityadvisoryservice.com/>

### 5.3 West Lothian Equality Forums

The Forums exist to promote equality and good relations within the community. Forums are supported at the moment in relation to disability and ethnicity. A young people's LGBT group and a Faith Network, bringing representatives of different faiths in West Lothian together, are also supported. For more information please see the council's website.

For further information please contact E: [diversity@westlothian.gov.uk](mailto:diversity@westlothian.gov.uk)

## **SECTION 18 – COMMUNITY COUNCIL ELECTION FORMS**

See following pages.

**NOMINATION FOR ELECTION TO**

**\_\_\_\_\_ COMMUNITY COUNCIL**

<b>CANDIDATE</b>			
<b>FULL NAME</b>	<b>ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)</b>	<b>ELECTORAL REGISTRATION NUMBER</b>	
TEL. NO:	E-MAIL:		

<b>PROPOSER</b>			
<b>FULL NAME</b>	<b>SIGNATURE</b>	<b>ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)</b>	<b>ELECTORAL REGISTRATION NUMBER</b>

<b>SECONDER</b>			
<b>FULL NAME</b>	<b>SIGNATURE</b>	<b>ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)</b>	<b>ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 789)</b>

**PTO**



### **DECLARATION**

I CONSENT TO BEING NOMINATED AND IF ELECTED I ACCEPT OFFICE AS A COMMUNITY COUNCILLOR. I AGREE TO CARRY OUT MY DUTIES IN ACCORDANCE WITH THE REQUIREMENTS OF THE CODE OF CONDUCT FOR COMMUNITY COUNCIL MEMBERS.

I UNDERSTAND THAT MY DETAILS WILL BE RETAINED BY WEST LOTHIAN COUNCIL AND USED BY THEM TO CONTACT ME REGARDING COMMUNITY COUNCIL BUSINESS IN ACCORDANCE WITH THEIR PUBLISHED PRIVACY NOTICE.

I AGREE THAT WITH MY PERMISSION ONLY MY CONTACT DETAILS CAN BE GIVEN TO THE COMMUNITY COUNCIL SECRETARY TO ENSURE THEY ARE ABLE TO SHARE COMMUNITY COUNCIL DOCUMENTATION WITH ME.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, IT IS ESSENTIAL THAT I CAN BE CONTACTED BY MEMBERS OF THE COMMUNITY I REPRESENT REGARDING COMMUNITY COUNCIL BUSINESS.

I AGREE THAT IF APPOINTED AS AN OFFICE-BEARER, WEST LOTHIAN COUNCIL CAN ASK FOR MY EXPRESS PERMISSION TO PUBLISH MY NAME AND CONTACT DETAILS TO PROVIDE A POINT OF CONTACT WITH THE COMMUNITY COUNCIL, TO PRODUCE COMMUNITY COUNCIL CONTACT LISTS IN COMPUTERISED OR PRINT FORM, OR FOR PUBLICATION ON THE INTERNET ON THE COUNCIL'S WEBSITE. IF I DO NOT PROVIDE EXPRESS PERMISSION, WEST LOTHIAN COUNCIL WILL NOT PUBLISH OR SHARE MY DETAILS.

Signature

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Date

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Return form to:-

Returning Officer (Community councils)  
c/o Legal Services  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

Notes -

- (i) Electoral registers should be available to view in main council offices. Where this is not possible, for example due to Covid restrictions, the Electoral Registration Office can provide you with your electoral register number if you call them on 0131 344 2500.
- (ii) If you require any assistance in completing the form, please contact the Community Council Liaison Officer by emailing [community.councils@westlothian.gov.uk](mailto:community.councils@westlothian.gov.uk) or by calling 01506 281609.
- (iii) The names and addresses of the proposer and seconder must appear in the same community council area as the candidate (i.e. candidates from Armadale must have their forms proposed and seconded by registered electors from Armadale).

## NOMINATION FOR CO-OPTION TO

\_\_\_\_\_ **COMMUNITY COUNCIL**

<b>FULL NAME AND ADDRESS OF PROPOSER</b> (address not required if signed by existing community council member)	<b>SIGNATURE OF PROPOSER</b>

<b>FULL NAME AND ADDRESS OF SECONDER</b> (address not required if signed by existing community council member)	<b>SIGNATURE OF SECONDER</b>

<b>FULL NAME OF CANDIDATE</b>	<b>ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)</b>	<b>ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 123)</b>
<b>TEL. NO:</b>	<b>E-MAIL:</b>	

<b>DATE OF MEETING WHERE CO-OPTION WAS APPROVED BY AT LEAST 2/3RDS OF THE VOTING MEMBERS PRESENT</b>     
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PTO

### **DECLARATION**

I CONSENT TO BEING NOMINATED AND IF ELECTED I ACCEPT OFFICE AS A COMMUNITY COUNCILLOR. I AGREE TO CARRY OUT MY DUTIES IN ACCORDANCE WITH THE REQUIREMENTS OF THE CODE OF CONDUCT FOR COMMUNITY COUNCIL MEMBERS.

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Signature

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## YOUTH MEMBER APPLICATION FORM

\_\_\_\_\_ COMMUNITY COUNCIL

NAME, HOME ADDRESS AND DATE OF BIRTH OF YOUTH MEMBER	SIGNATURE
TEL. NO:	E-MAIL:

NAME AND HOME ADDRESS OF PARENT/ GUARDIAN	SIGNATURE OF PARENT/GUARDIAN
TEL. NO:	E-MAIL:

**OR**

NAME OF SCHOOL OFFICER/TEACHER CONFIRMING RESIDENCY OF PUPIL IN THE COMMUNITY COUNCIL AREA	SIGNATURE OF TEACHER
SCHOOL TEL. NO:	E-MAIL:

Please send copies of the following with your application if your name and address does not appear in the electoral register:

- your birth certificate or passport as proof of age; and
- a utility bill, or similar, from your parent/guardian as proof of residence

Return form to:-

Returning Officer (Community councils)  
c/o Legal Services  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

### **DECLARATION**

I CONSENT TO BEING NOMINATED AND IF ELECTED I ACCEPT OFFICE AS A YOUTH COMMUNITY COUNCILLOR. I AGREE TO CARRY OUT MY DUTIES IN ACCORDANCE WITH THE REQUIREMENTS OF THE CODE OF CONDUCT FOR COMMUNITY COUNCIL MEMBERS.

I UNDERSTAND THAT MY DETAILS WILL BE RETAINED BY WEST LOTHIAN COUNCIL AND USED BY THEM TO CONTACT ME REGARDING COMMUNITY COUNCIL BUSINESS IN ACCORDANCE WITH THEIR PUBLISHED PRIVACY NOTICE.

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